



CWP-5140-2021 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-5140-2021 (O&M)
Date of Decision :19.12.2024

Dharam Pal Sharda

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Pawan Kumar, Senior Advocate with
Ms. Vidushi Kumar & Ms. Seema Rani, Advocates
for the petitioner.

Mr. Swapan Shorey, DAG, Punjab.

* * *

Harsimran Singh Sethi, J. (Oral)

In the present petition, the prayer of the petitioner is that the respondents be directed to grant the petitioner the benefit of higher grade pay instead of increment under the Assured Career Progression Scheme on completion of 14 years of service.

Learned Senior counsel for the petitioner submits that the colleagues of the petitioner were granted the benefit of higher grade pay whereas, the petitioner was not granted the said benefit hence, once the benefit of higher pay scale under the Assured Career Progression Scheme has been granted to the colleagues of the petitioner, the said benefit should also be granted to the petitioner on completion of 14 years of service, which service the petitioner had completed on 05.04.2013.

Upon notice of motion, the respondents have filed reply

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wherein, it has been stated that though, at one given point of time, after the revision of the terms and conditions of the grant of benefit under the Assured Career Progression Scheme in the year 2011, some of the employees were granted the benefit of higher grade pay though, under the said scheme, w.e.f. 2011 onwards only the benefit of increment could have been granted but, after realizing the said mistake, the benefit of higher grade pay granted to the other employees was also withdrawn and their pay was also refixed by granting them the benefit of increment only though, the excess amount paid to them was not recovered hence, once the reliance being placed by the petitioner that certain other employees were granted the benefit of higher grade pay does not exist any further hence, the claim of the petitioner that he should also have been given the benefit of higher grade pay instead of increment, is liable to be rejected.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The question which arises is whether under the Assured Career Progression Scheme on completion of 14 years of service in the year 2013, the petitioner is entitled for the grant of benefit of one increment or higher grade pay.

As per the conceded position, under the terms and conditions for the grant of benefit under the Assured Career Progression Scheme starting from year 2011, only the benefit of increment was to be given and not the benefit of higher grade pay.

That being so, non-grant of benefit of higher grade pay under the Assured Career Progression Scheme on completion of 14 years of service to the petitioner in the year 2013, cannot be faulted with.



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Qua the arguments of the learned Senior counsel for the petitioner that same benefit was extended to the other similarly situated employees, it may be noticed that respondents are on record, which statement has gone unrebutted that the incorrect benefit of higher grade pay granted to the other similarly situated employees has already been withdrawn and their pay has been refixed by granting them the benefit of increment only but the excess amount paid has not been recovered keeping in view the settled principle of law.

Once the benefit of higher grade pay has already been withdrawn from the other employees also, the petitioner cannot be allowed to claim that he should also be given the said benefit now and he should be allowed to retain the excess amount as granted to the other employees. The petitioner can only claim the benefit under the rules governing the service according to which, after the year 2011, under the Assured Career Progression Scheme on completion of 14 years of service, benefit of one increment is to be granted, which benefit has already been granted to the petitioner.

Keeping in view the facts and circumstances recorded hereinbefore, no ground for interference by this Court is made out and the present petition is accordingly dismissed.

Civil miscellaneous application pending, if any is also disposed of.

December 19, 2024

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No